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Vol 94 Page 18219

06-10-94A09:47 RCVD

Return: Cleveland & Robinette  
 777 High St. #100  
 Eugene, Or. 97401

FILED

1994 APR 25 PM 3:55

 CIRCUIT DISTRICT COURTS  
 OF OREGON  
 FOR LANE COUNTY

BY

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
 FOR LANE COUNTY  
 Probate Department - Small Estate

In the Matter of the Estate of: )

AFFIDAVIT OF SUCCESSOR

LEONARD DAHL SCHARN, )

SMALL ESTATE

Deceased. )

Case No. 53-94-04038

STATE OF OREGON )

) ss.

County of Lane )

1, Debra Rae Baas, being first duly sworn, depose and say as follows:

1. The following information is given with regard to the Decedent:
  - a. Name: Leonard Dahl Scharn
  - b. Age and DOB: 71, September 3, 1922
  - c. Domicile: Lane County, Oregon  
25140 Cheney Drive  
Veneta, OR 97487
  - d. Post Office Address: 25140 Cheney Drive  
Veneta, Oregon 97487
  - e. Date and Place of Death: March 23, 1994,  
25140 Cheney Drive, Veneta, Oregon
  - f. Social Security Number: [REDACTED]
2. Decedent died testate.

3. Venue is established in the County of Lane, State of Oregon, in that at the time of the Decedent's death in said County, Decedent's domicile, place of abode, and part of his property was located in said county.

4. The Will of Decedent names the wife of Decedent as executrix, but the wife of Decedent, Dorothy M. Scharn, predeceased the Decedent. In the alternative, the Will names Debra Rae Baas, who is the person who was caring for Decedent and Decedent's business affairs and is best suited to serve. Debra Rae Baas is the daughter of Decedent, and her address (and the address for presentment of claims) is 25140 Cheney Drive, Veneta, Oregon 97487. Debra Rae Baas should be nominated as the personal representative under the Will of Decedent to serve without bond or undertaking, and is not disqualified to serve under the provisions of ORS 113.095.

5. The names, relationships, and post office addresses of the heirs of the Decedent are as follows:

PAGE 1 - AFFIDAVIT OF SUCCESSOR - SMALL ESTATE

Name	Relationship	Age	Post Office Address
Paul W. Scharn	Son	44	1440 Vista Avenue, SE Salem, OR 97302-1549
Scott A. Scharn	Son	35	P.O. Box 58 Crescent Lake, OR 97425
Debra Rae Baas	Daughter	41	25140 Cheney Drive Veneta, Oregon 97487
Marilyn L. Anger	Daughter	42	641 South 5th Avenue Yuma, AZ 85364

7. The names, relationships, and post office addresses of the devisees of the Decedent in addition to the heirs named above are as follows:

Name	Relationship	Age	Post Office Address
None			

8. A photocopy of the original of the Last Will of the Decedent dated July 31, 1975 is presented to the court herewith as Exhibit A.

9. A certified copy of the Death Certificate is attached hereto as Exhibit B.

10. The extent and nature of the assets of the estate and the probable value of such assets does not exceed the small estate standard of ORS 114.505 to ORS 114.560, and is listed, described, and fairly valued under ORS 114.525(3) on the attached Exhibit C. The interests of each heir is an equal undivided one-fourth interest within the meaning of ORS 114.525(8).

11. No other application or petition for appointment of personal representative has been granted in Oregon within the meaning of ORS 114.525(4).

12. The personal representative has employed as attorneys Richard W. Cleveland and Kaye C. Robinette, of the law firm Cleveland and Robinette, whose address is 777 High Street, Suite 100, Eugene, Oregon 97401, to represent the personal representative in the administration of the estate.

13. Affiant will deliver or mail a copy of this petition to each heir as required by ORS 114.525(6).

14. Reasonable efforts have been made to ascertain creditors of the estate. There are no known unpaid "expenses and claims against the estate" or unpaid reimbursable claims within the meaning of ORS 114.525(9).

15. A copy of the affidavit showing the date of filing will be mailed or delivered to the Adult and Family Services Division, Estate Administration Section, Salem, Oregon, and to the Department of Revenue, Salem, Oregon.

16. Claims against the estate not listed in the affidavit or in amounts larger than those listed in the affidavit may be barred unless:

(a) A claim is presented to the affiant within four months of the filing of the affidavit at the address stated in the affidavit for presentment of claims; or

(b) A personal representative of the estate is appointed within the time allowed under ORS 114.555.

This statement is required by ORS 114.525(12)(a) and (b).

Debra Rae Baas  
Debra Rae Baas

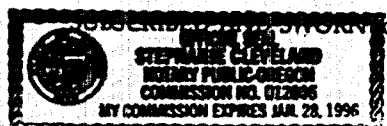
STATE OF OREGON )

) ss.

County of Lane )

I, Debra Rae Baas, being first duly sworn on oath, depose and say that I have read the foregoing Petition, know the contents thereof, and say that the same is true as I verily believe.

Debra Rae Baas  
Debra Rae Baas



Subscribed and sworn to before me this 22nd day of April, 1994.

Stephanie Cleveland  
Notary Public for Oregon 1-28-96

LAST WILL AND TESTAMENT  
OF

LEONARD D. SCHARN

I, LEONARD D. SCHARN, being over the age of twenty one years and of sound and disposing mind and memory and not acting under duress or undue influence of any person whomsoever, do hereby make, publish and declare this to be my Last Will and Testament, and I hereby revoke and cancel any Wills or Codicils, whatsoever, which may heretofore have been made by me.

FIRST

I direct that all of my just debts and obligations be paid from my estate as soon as can practicably be done, including the expenses of my last illness and funeral.

SECOND

I give, devise and bequeath all of the rest, residue and remainder of my estate, both real and personal and mixed, of whatever nature, or wherever situated or being, unto my wife, Dorothy M. Scharn, to have and to hold as her sole and exclusive property.

THIRD

I hereby nominate, constitute and appoint my wife, Dorothy M. Scharn, to act as the executrix of this, my Last Will and Testament, to serve as such without bond or undertaking, and with the authority as executrix to dispose or otherwise deal with any of my property,

EXHIBIT A

real or personal or any part thereof, at such time and upon such terms as she may deem to be in the interest of my estate, and such sale or other disposition may be made at public or private sale, and without any reference whatsoever to an order to sell, neither shall it be necessary to have citation issue to the heirs and devisees, or to obtain an order of sale, publish notice of sale, report of sale, or to take confirmation thereof. It being the intention of this provision that any sale can be made without any of the formalities required of an executrix for the sale of my property, as may be required by law.

#### FOURTH

In the event that my wife, Dorothy M. Scharn, should predecease me, or in the event that my death and that of my wife, should occur simultaneously or approximately so, or in the same common accident, or calamity or under any such circumstances causing doubt as to which of us survive the other, then I give, devise and bequeath unto my four children, Paul William Scharn, Marilyn Lee Anger, Debra Rae McComas, and Scott Allen Scharn, all of my estate, both real and personal and mixed, and of every kind and nature, whatsoever and wherever situated or being, in equal shares, to share and share alike.

#### FIFTH

In the event that my wife, Dorothy M. Scharn, should predecease me, or in the event that my death and that of my wife should

*Leonard M. Scharn*

occur simultaneously or approximately so, or in the same common accident or calamity, then I nominate, constitute and appoint my daughter, Debra Rae McComas, to act as the executrix of this, my Last Will and Testament, to serve as such without bond or undertaking and with the full power to sell or dispose of any assets of my estate, on terms and conditions and for such price and prices as she may deem fit and proper, and in making any sale or sales, I direct that it shall not be necessary for her to petition the Court for an order to sell, neither shall it be necessary to obtain an order of sale, publish notice of sale, report of sale, or to take confirmation thereof. It being the intention of this provision that any sale can be made without any of the formalities required of an executrix for the sale of my property, as may be required by law.

## SIXTH

In the event that my wife, Dorothy M. Scharn, should predecease me, and in the event that my daughter, Debra Rae McComas, should be unable, unwilling or unqualified to act as executrix of this, my Last Will and Testament, then I nominate, constitute and appoint my son, Paul William Scharn, to act as executor of this, my Last Will and Testament, to serve as such without bond or undertaking and with the full power to sell or dispose of any assets of my estate, on terms and conditions and for such price and prices as he may deem fit and proper, and in making any sale or sales, I direct that it shall not be necessary

*Leonard M. Scharn*

for him to petition the Court for an order to sell, neither shall it be necessary to obtain an order of sale, publish notice of sale, report of sale, or to take confirmation thereof. It being the intention of this provision that any sale can be made without any of the formalities required of an executor for the sale of my property, as may be required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31 day of July, 1975.

*Leonard D. Scharn*

THE FOREGOING INSTRUMENT, consisting of four pages, including this page; was signed by the testator in our presence and in the presence of each of us, and at the time of subscribing said instrument, declared the same to be his request and in his presence and in the presence of each other, have subscribed our hands hereto as attesting witnesses. That at the time that Leonard D. Scharn signed said instrument he was of sound and disposing mind and memory and laboring under no restraint or undue influence whatsoever.

IN WITNESS WHEREOF, we have hereunto subscribed our names with our post office addresses this 31st day of July, 1975.

NAME: Wm P. Thompson

ADDRESS: 1760 Alder

Eugene Oregon

NAME: Shirley Lance

ADDRESS: 29 Monroe

Eugene, Oregon

OR  
KIT IN  
PERMANENT  
BLACK INK

138086  
I.D. TAG NO.

OREGON DEPARTMENT OF HUMAN RESOURCES  
HEALTH DIVISION  
CENTER FOR HEALTH STATISTICS  
CERTIFICATE OF DEATH

18225

Local File Number

State File Number

1. DECEDENT'S First Middle Last <b>Leonard Dahl SchARN</b>		2. SEX <b>M</b>	3. DATE OF DEATH (Month, Day, Year) <b>March 23, 1994</b>
4. SOCIAL SECURITY NUMBER <b>542-14-9807</b>		5a. AGE-Last Birthday (Years) <b>71</b>	5b. Under 1 Year Mo. Days Hours Mins.
6. BIRTHPLACE (City and State or Foreign Country) <b>Watertown, South Dakota</b>		7. DATE OF BIRTH (Month, Day, Year) <b>September 3, 1922</b>	
8. WAS DECEDENT EVER IN U.S. ARMED FORCES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		9a. PLACE OF DEATH (Check only one) <input type="checkbox"/> HOSPITAL <input type="checkbox"/> Inpatient <input type="checkbox"/> Outpatient <input type="checkbox"/> DCA <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> Nursing Home <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other (Specify)	
9b. FACILITY NAME (If not institution, give street and number) <b>25140 Cheney Drive</b>		9c. CITY, TOWN, OR LOCATION OF DEATH <b>Veneta</b>	
10a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.) <b>Telephone Engineer</b>		10b. KIND OF BUSINESS/INDUSTRY <b>Telephone Company</b>	
11a. RESIDENCE - STATE <b>Oregon</b>		11b. COUNTY OF DEATH <b>Lane</b>	
12a. RESIDENCE - CITY <b>Lane</b>		12b. CITY, TOWN, OR LOCATION <b>Veneta</b>	
13a. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		13b. ZIP CODE <b>97487</b>	
14. WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes - If yes, specify Cuban, Mexican, Puerto Rican, etc.) <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		15. RACE American Indian, Black, White, etc. (Specify) <b>White</b>	
16. DECEDENT'S EDUCATION (Specify only highest grade completed) <b>12</b>		17. MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify) <b>Widowed</b>	
18. SPOUSE (If Married, Widowed) <b>Dorothy Mae</b>		19. STREET AND NUMBER <b>25140 Cheney Drive</b>	
20. FATHER - Name first middle last <b>Paul W. Scharn</b>		21. MOTHER - Name first middle maiden <b>Alma May Kasten</b>	
22. METHOD OF DISPOSITION <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify)		23. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) <b>Lane Memorial Gardens</b>	
24. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>Andrea Kinkner Probst</i>		25. LICENSE NUMBER (If Licensed) <b>3510</b>	
26. DATE FILED (Month, Day, Year) <b>MAR 28 1994</b>		27. NAME, ADDRESS AND ZIP OF FACILITY <b>Chapel Of Memories Funeral Home 3745 West 11th Ave., Eugene, OR 97402</b>	
28. DID HOSPITAL REPRESENTATIVE MAKE REQUEST FOR ANATOMICAL GIFT CONSENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A		29. WAS GIFT MADE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	
TO BE COMPLETED BY CERTIFYING PHYSICIAN			
30. TIME OF DEATH <b>2:14 P M</b>		31. WAS MEDICAL EXAMINER NOTIFIED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
32. To the best of my knowledge, death occurred at the time, date, place and due to the cause(s) and manner stated. (Signature) <i>John N. Mundall</i>			
33. DATE SIGNED (Month, Day, Year) <b>March 24, 1994</b>			
34. NAME, TITLE, ADDRESS AND ZIP OF CERTIFYING MEDICAL EXAMINER (Type or Print) <b>John N. Mundall, MD, 1200 Hilyard Street, Suite S-420, Eugene, Oregon 97401</b>			
35. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)			
36. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c). Do not enter mode of dying, e.g. Cardiac or Respiratory Arrest.)			
PART 1 a. <b>myocardial infarction</b>		Interval between onset and death	
b. <b>myocardial infarction</b>		Interval between onset and death	
c. <b>myocardial infarction</b>		Interval between onset and death	
PART 2 OTHER CONTRIBUTING CONDITIONS - Conditions contributing to death but not resulting in the underlying cause given in PART 1.			
37. Did tobacco use contribute to the death? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown		38. AUTOPSY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
39. MANNER OF DEATH <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Unexplained Manner <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide		40. DATE OF INJURY (Month, Day, Year)	
41. TIME OF INJURY <b>M</b>		42. INJURY AT WORK? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
43. PLACE OF INJURY - All forms, farm, street, factory, office building etc. (Specify)		44. DESCRIBE HOW INJURY OCCURRED	
45. LOCATION (Street and Number or Rural Route Number, City or Town, State)			
RESERVED FOR REGISTRAR'S USE			
THIS IS A TRUE AND EXACT REPRODUCTION OF THE DOCUMENT OFFICIALLY REGISTERED AT THE OFFICE OF THE LANE COUNTY REGISTRAR.			
ORIGINAL VITAL STATISTICS COPY			
DATE ISSUED: <b>MAR 28 1994</b>			
Exhibit B			
KENNETH W. CHAMPION COUNTY REGISTRAR LANE COUNTY, OREGON			



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

LEONARD DAHL SCHARN - SMALL ESTATE  
LIST OF ASSETS AS OF APRIL 21, 1994

VALUEReal Property:

Unimproved real property in Lane County, Oregon, Tax Lot No. 18-05-06-2-2-00404, more particularly described below; 1993 tax assessed value:

\$21,200.00

Beginning at the iron rod marking the Southwest corner of Lot 7, Block 1, OAK ISLAND ESTATES, as platted and recorded in Book 71, Page 7, Lane County Oregon Plat Records, in Lane County, Oregon; thence South 0° 47' 13" East 237.36 feet along the West line of said Plat to the Southwest corner thereof, being the Initial Point of FIRST ADDITION TO BLEK HOMES, as platted and recorded in Book 54, Page 28, Lane County Oregon Plat Records; thence North 89° 29' 30" West 277.32 feet to the Northeast corner of BLEK HOMES, as platted and recorded in Book 27, Page 6, Lane County Oregon Plat Records, and the Southeast corner of BERGSTROM PARK, as platted and recorded in File 72, Slide 82, Lane County Oregon Plat Records; thence North 0° 47' West 217.45 feet to the most Southerly corner of Lot 11, Block 1, BERGSTROM PARK; thence North 86° 23' 39" East 277.57 feet to the Point of Beginning, in Veneta, Lane County, Oregon.

Real property and improvements in Klamath County, Oregon Tax Lot No. R-2407-018D0-03700-000, more particularly described on the Bargain and Sale Deed dated April 15, 1994, and recorded at Volume M 71, Page 3618, Klamath County Records, and attached hereto marked Exhibit C-1; 1993 tax assessed value: \$24,830.00

Personal Property:

Thirty (30) shares of common stock in American Telephone and Telegraph Company

\$1,597.50

Somont Oil Co., fractional interest producing \$200.05 in 1993 (and probably worthless in 1994 and thereafter) through the Estate of Alma Scharn

under  
\$2,000.00

TOTALS:	Real Property	\$46,030.00
	Personal Property	\$3,597.50



FOR VALUE RECEIVED GENEVIEVE VANN

herein referred to as grantors, hereby grant, bargain, sell, and convey unto LEONARD D. SCHARN and DOROTHY M. SCHARN, husband and wife,

herein referred to as grantees, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

A tract of Land situated in Northwest 1/4 of Southeast 1/4 of Section 18, Township 24, South, Range 7 East of the Willamette Meridian, more particularly described as follows: Beginning at an iron rod on the East line of Southeast 1/4 of Northwest 1/4 of Section 18, said rod being South thereon a distance of 840.0 feet, from an iron rod marking the Southeast corner of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 18; thence West a distance of 289.10 feet, more or less, to an iron rod; thence continuing West along this line a distance of 4.0 feet, more or less, to the margin of Crescent Creek; thence continuing West along this line a distance of 20.0 feet, more or less, to the centerline of said creek; thence Northerly along said centerline to the intersection of said centerline with a line running East parallel with and 60.0 feet North of the 1st course thence East along this line a distance of 15.0 feet, more or less, to the margin of Crescent Creek; thence continuing East along this line a distance of 6.0 feet, more or less, to an iron rod; thence continuing East along this line a distance of 288.20 feet; more or less, to the East line of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 18; thence South along this line a distance of 60.0 feet, to the point of beginning, together with the perpetual easement for ingress and egress from said property over the Easterly 25 feet of the Northwest 1/4 Southeast 1/4 and the Southwest 1/4 Northeast 1/4 and the Northerly 25 feet of the Southeast 1/4 Northeast 1/4 of said Section 18, which lies Southwesterly of the Willamette Highway, and Northerly and Easterly of said described property, but reserving a perpetual easement over the Easterly 25 feet of said described property for egress from and ingress to land lying South and East of said described property in said Section 18, Township 24 South, Range 7 East, Willamette Meridian, Klamath County, Oregon.

The true and actual consideration for this transfer is \$..... The foregoing recital of consideration is true as I verily believe.

Dated March 14, 1971

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF OREGON, County of Lane, ss.

Personally appeared the above named

GENEVIEVE VANN

and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:

Dated March 15, 1971

A.D. 1971

Notary Public for Oregon

Exhibit C-1

Commission Expires March 30, 1972

RECEIVED  
 DISTRICT COURT, LA 7-7  
 1964  
 JUDGE  
 DATE  
 LEGAL CUSTODIAN  
 THIS OFFICE AND OF WHICH I AM THE  
 PAGES WHICH IS FILED IN  
 ORIGINAL DOCUMENT CONSISTING OF THE  
 CERTIFIED TO BE A TRUE COPY OF THE